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Implementation of the International Code of Conduct for Public Officials

Report of the Secretary-General**

Addendum

1. An additional response to the survey instrument on the implementation of the International Code of Conduct for Public Officials was received from the United States of America, bringing the total number of responding States to 55. The information received from the United States is summarized below.

2. The United States reported that its laws and administrative policies included codes of conduct that set out clearly and consistently the functions and duties of public officials. The codes of conduct had been introduced over 10 years ago and included provisions on loyalty, efficiency, effectiveness (only for the judiciary and not for executive and legislative branches), integrity, fairness, impartiality, undue preferential treatment to any group of individuals, discrimination, abuse of authority, and gifts and benefits.

3. The United States noted that it had a comprehensive code of conduct in place that was being applied to all categories of public officials. Specific codes of conduct existed for reasons of constitutional law and administrative policy for members of the judiciary, excluding prosecutors, high-ranking military officers and politicians. A copy of the relevant codes of conduct, as well as a booklet on duties and obligations, was made available to all public officials upon request. The text was also available online and some officials were provided with copies. Training about ethics and professional behaviour was available. National authorities carried out campaigns to increase awareness of the provisions contained in the codes of conduct. The country was also planning to introduce new codes of conduct or improve the existing ones. The public administration required an oath from public officials

* E/CN.15/2002/1 and Corr.1.

** The response from the United States of America to the survey instrument on the implementation of the International Code of Conduct for Public Officials, reflected in the present document, was submitted within the prescribed time. However, owing to an oversight by the Secretariat, it was not included in document E/CN.15/2002/6/Add.1).

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when they commenced their duties. Regulations ensured accountability for action taken and decisions made by public officials in the performance of their duties, as well as requiring public officials to substantiate the administrative decisions or actions taken that affected the interests of individual citizens. Those provisions were included both in a law and in a code of conduct.

4. The United States indicated that, while safeguarding due process, laws and administrative policies foresaw disciplinary measures for the violation of regulations and codes of conduct. Those provisions covered the following contraventions: abstracting or destroying documents, deeds or any other article to which public officials had access by virtue of their office and the attempt thereof; abstracting public or private funds to which public officials had access by virtue of their office and the attempt thereof; utilizing, even after having left office, confidential information to which public officials had access by virtue of their office; and accepting, directly or indirectly, a gift or any other benefit that might place public officials under a moral obligation to accord preferential or special treatment. With regard to the legal basis for accountability and effective disciplinary action, the United States reported that they were incorporated both in a law and in a code of conduct.

5. Specific measures existed against the improper use by public officials of their position, influence and knowledge for the improper advancement of their own or their family's personal or financial interest, as well as the interests of other persons. A public official was obliged to declare business, commercial or financial interests or activities undertaken for financial gain when possible conflicts of interest might arise. Public financial disclosure was required of the highest-level public officials. Confidential financial disclosure was required of many mid-level officials. Judges might have to make declarations in remittal situations or as a precautionary disclosure to parties, and legislative branch staff were required to disclose confidentially to the senators for whom they worked. The legal basis for measures on conflict of interest and disqualification were both a law and a code of conduct.

6. With regard to measures aimed at regulating the fact that public officials after leaving their official position will not take improper advantage of their previous office, the United States noted that such measures were incorporated both in a law and in a code of conduct.

7. Under United States laws and administrative policies, public officials at higher levels in the administration and public officials who might be more vulnerable because of their position were required to disclose their assets and liabilities. That also applied to spouses of such officials. The financial disclosures were received and reviewed by designated government offices that also functioned as a disciplinary council for two government branches. Tax returns were only selectively reviewed by the Internal Revenue Service, together with all tax-payer returns.

8. The solicitation or the acceptance of any gift or benefit that might influence the exercise of functions of public officials and the performance of their duties was regulated under both United States law and a code of conduct. Both United States law and a code of conduct required public officials to ensure the professional secrecy of matters of a confidential nature and provided for disciplinary action if the obligation was not fulfilled. After separation of service, those restrictions only applied to a limited type of information, such as national security information.

9. The United States also noted that the political activity of public officials, when performed outside the scope of their office, was regulated both by law and by a code of conduct. The same applied to other activities performed outside the scope of their office.

10. The United States indicated that each of the three branches of the United States Government had a code of conduct tailored specifically to officers and employees of that branch, while at the same time certain statutes applied to the conduct of all public officials. In addition, the United States Constitution allowed each house of the United States Congress to develop its own rules of conduct.